IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

Bail Appl..No. 7209 of 2007()

CRIME 726/07 OF KOTTARAKKARA POLICE STATION

PETITIONER/FIRST ACCUSED:

SASIDHARAN, SON OF AYYAN,
MOOLAMKUZHI, PADINJATTATHIL VEEDU(SHYAM NIVAS),
MOOLAMKKUZHI, THALCHIRA MURI, VETTIKAVALA VILLAGE,
KOTTARAKKARA TALUK.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS: STATE:

THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM THROUGH THE SUB INSPECTOR OF POLICE, KOTTARAKKARA POLICE STATION, KOLLAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7209 OF 2007 A

Dated this the 11th day of December, 2007

O R D E R

Application for anticipatory bail. Petitioner faces allegations for offences punishable, inter alia, under Section 498A IPC. The marriage allegedly took place in 1987. One child aged 19 years has been born in the wedlock. There is strain in the matrimony. The spouses are living separately. The wife has raised a complaint of matrimonial cruelty in October, 2007. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can be granted anticipatory bail subject to appropriate terms and conditions. In coming to this conclusion, I take note of the fact that arrest and detention of the petitioner is likely to mar all possibilities of harmonious reconciliation of the matrimonial tie. I also take note the submission of the learned Public Prosecutor that

there is no allegations of any culpable cruel conduct regarding any injury on the victim four months prior to the date of the complaint.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 18.12.2007. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 19.12.2007 and 21.12.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 p.m. for a period of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 18.12.2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 18.12.2007.

(R.BASANT, JUDGE)

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